

**APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
OR CHANGE IN CONDITIONS
(SEE FILING INSTRUCTIONS)**

TO: Town of Matthews Board of Commissioners
Town of Matthews Planning Board
232 Matthews Station Street
Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

- ☒ A change in zoning classification of the property hereinafter described; or
☐ A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 215-081-12

Address of property: 1100 Matthews-Mint Hill Road

Location of property: South side of Matthews-Mint Hill Road between Crestdale Road and Brigman Road

Title to the property was acquired on August 10, 2016 and November 30, 1970

and was recorded in the name of The Leon Levine Foundation and L. & L. Investment Corp.

whose mailing address is 6000 Fairview Road, Suite 1525, Charlotte, NC 28210

The deeds are recorded in Book 31074 at Page 582 in the office of the Register of Deeds for
3246 at Page 343

Mecklenburg County.

Present zoning classification: I-1

Requested zoning classification: ENT

List reason(s) why zoning should be changed (use separate sheet if necessary):

Application number

6004

For office use only

The Petitioner is requesting that this site be rezoned to the ENT zoning district to accommodate the development of a multi-use development on the site that could contain, among other things, multi-family residential uses, office uses, restaurant uses and retail uses. The Petitioner believes that this proposed multi-use development will further the policies and goals of the Entertainment District.

THE LEON LEVINE FOUNDATION

By: 
Signature of property owner (must be original)

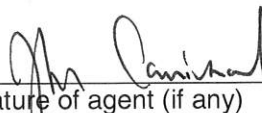
The Leon Levine Foundation (c/o Thomas Lawrence)
Print name of property owner

6000 Fairview Road, Suite 1525
Property owner's mailing address

Charlotte, NC 28210
Property owner's mailing address, continued

Property owner's mailing address, continued

704-817-6502 tlawrence@leonlevinefoundation.org
Property owner's phone number/email address


Signature of agent (if any)

John Carmichael, Robinson Bradshaw
Print name of agent

101 North Tryon Street, Suite 1900
Agent's mailing address

Charlotte, NC 28246
Agent's mailing address, continued

Agent's mailing address, continued

704-377-8341 jcarmichael@rbh.com
Agent's phone number/email address

L. & L. INVESTMENT CORP.

By: 
Signature of property owner (must be original)

L. & L. Investment Corp. (c/o Thomas Lawrence)
Print name of property owner

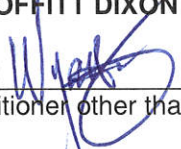
6000 Fairview Road, Suite 1525
Property owner's mailing address

Charlotte, NC 28210
Property owner's mailing address, continued

Property owner's mailing address, continued

704-817-6502 tlawrence@leonlevinefoundation.org
Property owner's phone number/email address

PROFFITT DIXON PARTNERS, LLC

By: 
Petitioner other than owner (if any)

Proffitt Dixon Partners, LLC (c/o Wyatt Dixon)
Print name of petitioner

1355 Greenwood Cliff, Suite 150
Petitioner's mailing address

Charlotte, NC 28204-2984
Petitioner's mailing address, continued

Petitioner's mailing address, continued

704-817-9126 wyatt@proffittdixon.com
Petitioner's phone number/email address

List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.

See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

Application number

6604

For office use only

See Exhibit A Attached Hereto

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

SUMMARY OF THE REZONING PROCESS

Application number

6064

For office use only

APPLICANT: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411 or email srobertson@matthewsnc.gov) for verification.

Application submitted to and received by Town Planning office August 2, 2017

Town Board of Commissioners formally accepts application and sets Public Hearing date August 14, 2017

Notices sent via mail to affected/adjacent property owners on or before September 25, 2017

Public hearing: applicant gives explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning October 9, 2017

Town Planning Board reviews request, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request October 24, 2017

Town Board of Commissioners approves or denies application November 13, 2017

Exhibit A**Adjacent Property Owners List**Parcel No. 19329156

Sellethics Management Group LLC
941 Matthews-Mint Hill Road
Matthews, NC 28105

Parcel No. 19329402

Ridge Ministries Inc.
PO Box 1292
Matthews, NC 28106

Parcel No. 19329404

Ridge Ministries Inc.
PO Box 1292
Matthews, NC 28106

Parcel No. 19329405

M&G Duarte LLC
1721 Turtlewood Drive
Matthews, NC 28173

Parcel No. 19328218

Communications Alltel Mobil
PO Box 2549
Houston, TX 75001

Parcel No. 19328219

Oh Seon
Tae Kyu Park
3216 Old Monroe Road
Stallings, NC 28104

Parcel No. 19328239

Deloris A. Goelzer
Norman E. Goelzer
20 Miller Point Dr
Taylorsville, NC 28681

Parcel No. 19328235 (A and B)

G. Howard Webb, Jr.
PO Box 38367
Charlotte, NC 28278

Parcel No. 21508110

Michelle Kosempa Rutowski
Frank J. Rutowski
903 Woodland Forest Road
Waxhaw, NC 28173

Parcel No. 21508109

At My Table LLC
144 Sardis View Lane
Charlotte, NC 28270

Parcel No. 21508121

Mary Lazarou
Paul Lazarou
1240 Matthews Mint Hill Road
Matthews, NC 28105

Parcel No. 21508117

Paul M. Hattenhauer
Joan C. Owen Revocable Trust
Joan C. Owen
PO Box 3410
Matthews, NC 28106

Parcel No. 21508119

Elise R. Grimmer
Harry C. Grimmer
8720 Lake Challis Lane
Charlotte, NC 28226

Parcel No. 21508127

Joseph Lovallo
Shannon Moran
743 Hampshire Hill Road
Matthews, NC 28105

Parcel No. 21508129

iStar Bowling Centers II LP
c/o AMF Bowling Centers
7313 Bell Creek Road
Mechanicsville, VA 23111

Parcel No. 21508113

Brigman Family Farm Properties
c/o Sybil Jones
88 Gracelyn Road
Asheville, NC 28804

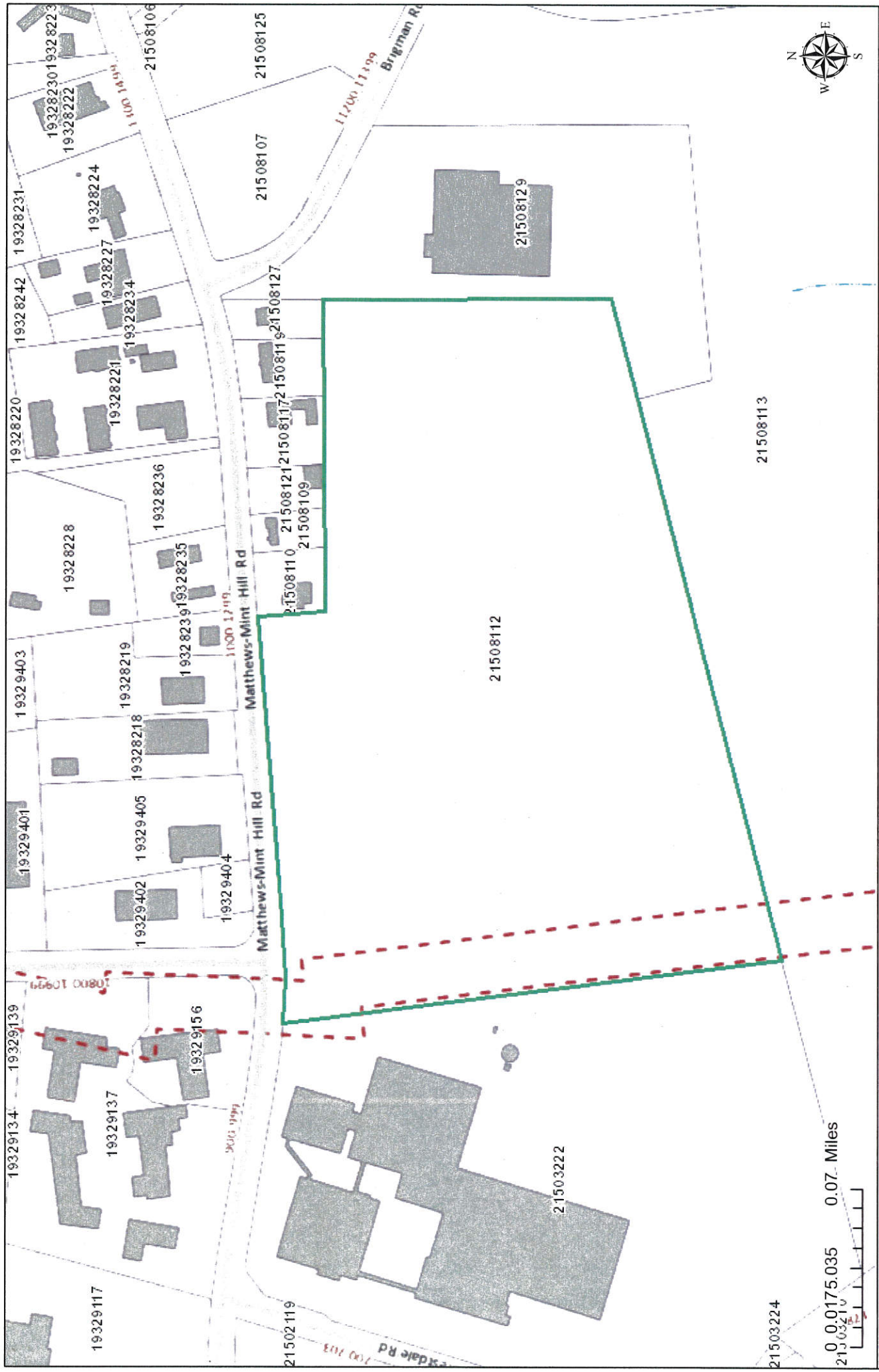
Parcel No. 21503222

US Industrial Crestdale LP
40 Airport Road
Lakewood, NJ 08701

2017-664

Polaris 3G Map – Mecklenburg County, North Carolina

Date Printed: 7/31/2017 5:57:24 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

ROBINSON
BRADSHAW

jcarmichael@robinsonbradshaw.com
704.377.8341 : Direct Phone
704.373.3941 : Direct Fax

August 2, 2017

BY HAND DELIVERY

Ms. Kathi Ingrish, Planning Director
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

Re: Rezoning Application filed by Proffitt Dixon Partners, LLC Requesting the Rezoning of an Approximately 35.50 Acre Site Located on the South Side of Matthews-Mint Hill Road Between Crestdale Road and Brigman Road From the I-1 Zoning District to the ENT Zoning District (Tax Parcel No. 215-081-12)

Dear Kathi:

I hope this letter finds you well, and I appreciate all of the time that you, Jay, C.J., Susan, Hazen and Becky have devoted to date to this proposed multi-use development.

This letter is being submitted with the above-captioned Rezoning Application pursuant to the requirements of Paragraph 14 of the Instructions for Filing an Application for a Change in a Zoning Classification (the "Instructions"). As you are aware, Paragraph 14 of the Instructions requires the Applicant to submit documentation regarding the land use recommendations for the subject site as set out in adopted land use plans and a statement as to how this rezoning proposal complies with such recommendations.

The subject site contains approximately 35.50 acres and is located on the south side of Matthews-Mint Hill Road between Crestdale Road and Brigman Road (Tax Parcel No. 215-081-12). The site is currently zoned I-1 and pursuant to this Rezoning Application, the Applicant is requesting that the site be rezoned to the ENT zoning district to accommodate a multi-use development on the site that could contain multi-family dwelling units, general, professional and medical office uses, retail uses, hotel uses, restaurant uses, entertainment uses and other commercial uses. The proposed multi-use development is more particularly described and depicted on the Conditional Rezoning Plan associated with this Rezoning Application, and the proposed multi-use development would be an urban, pedestrian friendly development. This 35.50 acre site is a portion of the area that is envisioned by the Town to ultimately be located in the ENT zoning district.

The Entertainment District Small Area Plan adopted by the Board of Commissioners on December 8, 2014 (the "Plan") provides land use and design recommendations for the site and

the ENT zoning district. On Page 142 of the Plan, the Plan provides that “the Entertainment District shall incorporate spaces for permanent residences, transitory housing, employment opportunities, indoor and outdoor recreation, shopping, dining, and daily living services in a compact pedestrian-friendly neighborhood.” In the Applicant’s view, the proposed multi-use development would satisfy this statement because the Conditional Rezoning Plan provides the opportunity for a mixture of uses on the site, and the Conditional Rezoning Plan depicts a compact pedestrian-friendly neighborhood.

The Plan sets forth multiple guiding principles for the ENT zoning district, and this proposed multi-use development furthers these guiding principles in the Applicant’s view. The Plan calls for an urban scale neighborhood. The proposed multi-use development, as seen from the Conditional Rezoning Plan, would be a dense, urban scale neighborhood with multi-story buildings that would front and be pulled up to the internal streets.

The Plan calls for a mixture of uses on the site to serve the residents living on the site and visitors to the site. As noted above, the Applicant’s Conditional Rezoning Plan provides the opportunity for a mixture of uses on the site. These uses could be located in mixed use buildings or in single purpose buildings. The Applicant is of the view that the proposed multi-use development meets the land use goals of the Plan.

The Plan recognizes that a potential transit station could be located within the site or immediately adjacent thereto. The density proposed under the Conditional Rezoning Plan would help support a transit station on the site or immediately adjacent thereto. Moreover, the site has been designed to accommodate mass transit. That portion of the future Independence Pointe Parkway Extension to be located on the site has been designed in such a manner that it could accommodate vehicular traffic as well as light rail. Additionally, the Conditional Rezoning Plan would allow the construction of a transit station and a related structured parking facility on the site.

The Plan speaks to the creation of a walkable, pedestrian-friendly development on the site. The Applicant’s proposed multi-use development would be a walkable, pedestrian-friendly development. The Conditional Rezoning Plan requires the Applicant to install a minimum 16 foot wide pedestrian-amenity zone with a multi-modal sidewalk and a planting strip on both sides of each private and public street to be located within the site. The pedestrian environment would be enhanced through the location of the buildings next to the streets and the exterior design of the buildings.

The proposed multi-use development would serve as an economic engine for the surrounding area, increase the tax base and add value to the already successful Sportsplex. The proposed multi-use development could provide dining and retail options for visitors to the Sportsplex, and the adjacent Sportsplex would be beneficial to the residents living on the site.

Ms. Kathi Ingrish, Planning Director
August 2, 2017
Page 3

In terms of a unique identity for this proposed multi-use development as discussed in the Plan, the architectural design of the proposed buildings and the site design would distinguish this development from other developments in and around Matthews.

The proposed multi-use development has been designed to meet the primary street network goals of the Plan, as well as the connectivity goals. Future Independence Pointe Parkway Extension would ultimately connect Matthews-Mint Hill Road to the southern boundary of the Sportsplex. Additionally, New Private Street A would provide a vehicular and pedestrian connection through the site from Matthews-Mint Hill Road to the parcel of land located immediately to the south of the site, which parcel of land is anticipated to be located in the ENT zoning district in the future. New Public Street D would provide an east-west vehicular and pedestrian connection to the parcel of land located immediately to the east of the site, which parcel of land is also anticipated to ultimately be located in the ENT zoning district. As seen from the above, the internal street network is designed to create cross connections with the adjacent parcels of land and a more unified development with the adjacent parcels of land when such parcels are rezoned to the ENT zoning district and developed.

Finally, the internal public and private streets that would be located within the site would meet the intent of the street cross sections set out in the Plan.

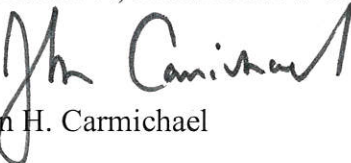
In summary, the Applicant is of the opinion that the proposed multi-use development satisfies the overall intent of the Plan and the policies adopted by the Board of Commissioners with respect to the ENT zoning district. The design of the proposed multi-use development accommodates the future development of the parcels of land located to the south and east of the site that will also ultimately be part of the ENT zoning district by providing the required street and pedestrian network, and locating the proposed buildings on the site in a fashion that will not impair the future development of these parcels.

Kathi, the Applicant and I look forward to working with you, Jay and the Town on this rezoning request.

Should you have any questions or comments, please do not hesitate to call me.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.



John H. Carmichael

JHC1/lh